

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.33961 of 1998

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Dated 31st day of October, 2007

Between:

Hussain H. Meghjani
and 30 others
Petitioners

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And

The Secretary, Regional Transport
Authority, Hyderabad, Central Zone
and 24 others
Respondents

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ORDER:

This writ petition is filed seeking a direction to the respondents and their subordinate checking officers not to collect compounding fee in respect of the petitioners' vehicles for the alleged violation of the provisions of Section 192-A of the Motor Vehicles Act, 1988 (for brevity "the Act").

The petitioners assert that they are all owners of the vehicles, which have been registered with the 1st respondent-Secretary, and are using them for the services of the passengers. Now, their grievance is that though the passenger service vehicles do not fall within the ambit of Section 200 of the Act, which deals with compounding of offences, the respondent-authorities and their subordinates are unauthorisedly intercepting and directing them to get the offences compounded, and thereby collecting compounding fee.

Heard the learned counsel for the petitioners, the learned Government Pleader for Transport and perused the material placed on record.

Compounding of offences is dealt with under Section 200 of the Act, and according to that provision of law, any offence whether committed before or after commencement of the Act punishable under Sections 177, 178, 179, 180, 181, 182, Sub-section (1) or Sub-section(2) of Section 183, 184, 186, 189, 190(2), 191, 192, 194, 196 or Section 198 may either before or after the institution of the prosecution be compounded by such officers or authorities and for such amount as the State Government, may, by Notification in the official Gazette specify in this behalf. Even if it is presumed that the petitioners are not

having valid permits and are using their vehicles, it falls under Section 192(A) which is not included in Section 200 of the Act.

Hence, this Court is of the view that the action of the respondents in intercepting the vehicles and directing the petitioners to get the offences compounded is without jurisdiction.

In the result, this writ petition is allowed and the respondents are directed not to collect compounding fee from the petitioners for the alleged violation of the provisions of Section 192(A) of the Act. No costs.

bcj

31.10.2007